



THE DEFENDER

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Newsletter of the American Civil Liberties Union of Iowa

Transgender Nurse Files Complaint for Equal Benefits, Bathroom Use

Jesse Vroegh has worked hard at his job as a prison nurse for years, caring for others. Now all he is asking is to be treated equally in his workplace.

In July, with the help of the ACLU and West Des Moines cooperating attorney Melissa Hasso, Vroegh filed a complaint with the Iowa Civil Rights Commission against his employer, the Department of Corrections (DOC).

He is a long-time nurse at the Mitchellville correctional facility. The DOC has denied Mr. Vroegh use of the men's restrooms and locker rooms there solely because he is transgender. It has also denied him health care coverage for medically necessary, doctor-recommended treatment and procedures.

Jesse says all he is asking is that he be treated equally in his workplace. "In this

country and in Iowa, everyone should be treated fairly in the workplace – especially when your employer is the State," says Vroegh. "Rather than setting a good example, the State has denied me the use of gendered spaces as well as the health insurance coverage I need, simply because I am transgender. I hope my fight for fairness in the workplace will make a difference for the many other transgender people who have faced similar discrimination at work."



Jesse Vroegh, shown here at home with his wife, Jackie, and dog, Jazz is a nurse at an Iowa prison. He is male and transgender, and has filed a complaint with the Iowa Civil Rights Commission because his workplace will not allow him to use the male bathrooms, locker rooms, and he cannot get doctor-recommended medical benefits, solely because he is transgender.

Rita Bettis, ACLU of Iowa legal director, said, "All Iowans are entitled to fair and equal treatment in the workplace, and that includes those who are transgender."

Continued on page 5

Griffin Loss Prompts Constitutional Amendment Push

The next step in assuring voting rights for thousands of ex-felons is an amendment to Iowa's Constitution.

Since 2011, the ACLU of Iowa has been working to restore voting rights to more than 50,000 Iowans with felony convictions in their past. That's when Gov. Terry Branstad ended automatic restoration of voting rights for those with certain criminal convictions.

As part of that effort, we had brought a lawsuit on behalf of Kelli Griffin, the Montrose, Iowa, mom with a felony conviction for a non-violent drug charge who was arrested and prosecuted for voting—a case that eventually ended up in the Iowa Supreme Court.

A favorable ruling from the Court would have resulted in the restoration of voting rights for those many thousands of Iowans. However, in late June, in a narrow 4-3 decision, the Court unfortunately upheld Iowa's current

law, which requires people to go through an arduous process with the Iowa Governor's office to restore their voting rights.

In his dissenting opinion, Justice Brent Appel noted that Iowans who have felony convictions and who have fully served their sentences are still subject "to flip-flopping executive orders depending on the political philosophy of the executive [governor] rather than on a more stable legal regime."

That's because Iowa governors can grant executive orders on a whim. They can grant the right to vote automatically, once people discharge their sentences, the way former Governor Tom Vilsack did in 2005. Or they can disenfranchise them for any felony, which current Governor Branstad did shortly after taking office in 2011.

This makes Iowa one of just three states—Florida and Kentucky are the others—that do not automatically restore the right to vote to

ex-felons. These are the harshest voting laws for people with felony convictions in the country.

Now, to help right this profound wrong, the ACLU of Iowa has started advocacy and legislative efforts to execute one of the few options left to restore voting rights to ex-felons: an amendment to the Iowa Constitution.

This is an extremely heavy lift. In Iowa, constitutional amendments take a several years, requiring approval by simple majority of two consecutive General Assemblies (a General Assembly spans two years) of the Iowa Legislature. It must then be printed on a ballot for ratification by a popular vote.

"This will be a priority for the ACLU of Iowa," said Rita Bettis, legal director. "Approximately 6 percent of Iowans, because of a conviction in their background, can expect to be banned from voting for life under the current laws, which are among the worst in the country." ■



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UNION of IOWA

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Lack of Body Camera Legislation A Problem for Iowa Police, Communities

Iowa police should not be deploying body cameras at this time because of problems with Iowa open records law.

Body cameras, now more than ever, offer an important and powerful tool for public oversight of police actions and racial justice.

A number of Iowa police departments are now using body cameras, and many are struggling to craft policies to govern their use. But any law enforcement agency in Iowa moving forward with body cameras is in an impossible situation.

That's because right now, most footage collected by police, according to current Iowa law, must be made available to any member of the public who asks for it. And that is likely to create a massive invasion of privacy for individuals by local government.

After all, police body cameras inevitably capture people in their private homes and in physical and emotional crisis. It captures on camera the plight of domestic and sexual assault victims, children and teenagers, and people in other vulnerable circumstances. Footage can be viewed to discover all sorts of sensitive information, like who visits a particular doctor's office or clinic.

Right now, any faithful reading of Iowa's Open Records law under Chapter 22 dictates that the vast majority of body camera footage collected by police must be considered public record and shared with anyone asking for it, for any reason. And giving all members of the public access to the vast majority of body camera footage, by any reasonable consideration, violates an individual's privacy.

Balancing Privacy with Transparency

Clearly, all police footage should not be available for every member of the public and every TV show to view and air at will. Citizens have a reasonable expectation of privacy. Iowa law must balance the public's right to know with individual privacy.

At the same time, body cameras are an important tool for the public to hold police accountable when force is used and to address racially biased policing.

But at this moment, until Iowa's open records law is changed, any police department in Iowa basically has two options, both bad:

Option 1: If an Iowa police department follows the law and starts using body cameras, nearly all that footage is classified as open record and individuals' privacy will

immediately be compromised.

Option 2: If a police department decides to protect privacy and withhold footage, it violates the law under Chapter 22.

The only solution to this complicated state of affairs, for both individuals and communities and across Iowa, is the passage of body camera legislation that navigates the delicate balance between public oversight of police and individual privacy. Unfortunately, the Iowa Legislature in 2016 failed to take any meaningful action on the body camera bills proposed.

Next session, we must advocate for an effective body camera bill that would:

- Ensure that people who are the subject of recordings are able to access and copy the recordings.
- Flag and retain that footage in which the public oversight value is high. Those include all videos of incidents involving any use of force, arrest, or detention, or when either a formal or informal complaint is made.
- Footage that has not been flagged should not be publicly disclosed without the subject's consent.

Legislature Must Do Its Job

Until the Iowa Legislature does its job and crafts body camera legislation that allows Iowa law enforcement to use body cameras without violating open record laws—while also protecting citizen privacy—we are sorry to say that Iowa police departments must hold off on deploying body cameras.

Using body cameras at this time requires police to either violate open records law or violate the privacy of those they've pledged to protect and serve. ■



CIVIL LIBERTIES UPDATES

Stay on top of key civil liberties issues in the Iowa Legislature by signing up for ACLU of Iowa emails.

You'll get updates and action alerts about all the latest bills and initiatives, as well as notifications about important events and civil liberties victories.

Get on our email list by going to www.aclu-ia.org or email us at editor@aclu-ia.org.

ACLU Speaks Out Against Branstad's Bible Proclamation

When the Governor issued an official statement calling the Bible the "one true revelation" and telling Iowans to read it daily, the ACLU spoke out.

Iowa Governor Terry Branstad regularly issues official state proclamations to recognize anniversaries, honors, and days of recognition. But in May, when he issued an official proclamation for the Iowa 99 County Bible Reading Marathon, he went too far and blurred the line between church and state.

In the official proclamation, Branstad states that "all Scripture is essential to prepare us to be the people God wants us to be and to accomplish the purpose for which he created us." He also goes on to say that the Bible "is recognized as the one true revelation from God" and ends with saying he does "encourage individuals and families in Iowa to read through the Bible on a daily basis each year until the Lord comes."

The ACLU of Iowa spoke out against

the proclamation. Certainly, Iowans have the right to read the Bible in a variety of public places, but Branstad's proclamation was a clear endorsement of a particular religion, according to ACLU of Iowa Legal Director Rita Bettis.

The ACLU of Iowa issued a public statement on the matter: "The Governor's proclamation is frankly outrageous and embarrassing, and inconsistent with our core American and Iowan principles of inclusion and respect of all its people of all faiths, as well as those who are not religious.

"Our U.S. and Iowa state constitutions protect from precisely this sort of government overreaching and endorsement of a particular



Photo courtesy of decorahnews.com
A woman earlier this summer exercises her constitutional right to read the Bible in front of the Decorah County courthouse. However, it violates the constitutionally mandated separation of church and state for Gov. Branstad to make a call for people to do so in an official proclamation and call the Bible the "one true revelation from God."

faith. Signed 'In the Name and by the Authority of the State of Iowa,' it promotes a particular religion and goes so far as to 'encourage individuals and families in Iowa to read through the Bible on a daily basis each year until the Lord comes.'

The story and statement was widely picked up in the media. ■

Victory On Bill That Allows Domestic Violence Survivors Freedom to Call 911

Why should anyone have to think twice before calling for help? The ACLU of Iowa was successful in the passage of a bill that blocks city ordinances that would penalize victims who called for emergency assistance.

Crime nuisance ordinances—a national problem—are now clearly blocked by statute here in Iowa. It took four years of relentless lobbying and legal and advocacy work by the ACLU of Iowa, partnering with the Iowa Coalition Against Domestic Violence. But in May, we were successful in the passage of a bill that prevents cities from having ordinances that would penalize residents for seeking police assistance.

Some Iowa cities, particularly Cedar Rapids, held a mistaken belief that penalizing a property for being a "crime nuisance" would reduce crime.

Instead, crime nuisance ordinances penalized victims of domestic violence, those living in low-income neighborhoods, the elderly, the disabled and the mentally ill—all of whom may need to call for help more often than other populations.

Called the Right to Assistance Act, the bill prohibits cities from issuing fines and other

housing penalties for calling the police or an ambulance. In some cases, tenants were being pressured with eviction if they didn't stop calling police.

Crime nuisance ordinances are a national problem. In one case in Pennsylvania, the ACLU successfully sued on behalf of a woman who was repeatedly beaten by her boyfriend but was reluctant to call 911 because of a local nuisance ordinance. When neighbors called the police after a final attack that resulted in the woman being airlifted to the hospital, she was threatened with forcible eviction.

Some Iowa cities, including Cedar Rapids, said that their ordinances were written in a way that exempted domestic violence victims. But the exemptions were not workable and poorly written.

"Nuisance ordinances disproportionately affect women, and are an example of gender discrimination in policing," said Rita Bettis, ACLU of Iowa legal director. "The bottom line is that people should not face eviction as a result of calling 911. Nuisance ordinances end up punishing victims for crimes committed against them in their own homes." ■

ACLU REPORT EXAMINES IOWA LEGISLATORS' VOTING RECORDS



The ACLU of Iowa Legislative Report and Civil Liberties Scorecard has been released and gives voters an at-a-glance understanding of how their local legislator voted on a selection of key civil liberties issues.

Every two years, at the conclusion of the Iowa Legislature's General Assembly (which spans two sessions), the ACLU analyzes a number of bills selected to illustrate a legislator's commitment to civil liberties, including free speech, voting rights, criminal justice reform, reproductive freedom, and medical marijuana.

See the report in full by going to www.aclu-ia.org. If you would like a free copy, please contact us.



ACLU of Iowa on Cutting Edge of Transgender Rights

The ACLU of Iowa is breaking new ground in championing the right of transgender people to be themselves without discrimination. From high school to the workplace, from public accommodations to health care, we are working to make sure all Iowans are treated equally, no matter what their gender identity.

As you can see in this issue, we're shining a light on the brave determination and optimism of Cedar Falls student Ben Christiason, who has gone through a very public transformation process in his hometown and opened a few minds along the way.

We've filed a complaint for Iowa prison nurse Jesse Vroegh, who just wants to have access to the bathrooms, locker rooms, and health benefits like all his other co-workers.

And we successfully settled the complaint of Meagan Taylor, a Black woman who is transgender and was

discriminated against when checking into a West Des Moines hotel.

These cases didn't happen by accident. Legal Director Rita Bettis for the past two years has been working with the transgender community, health care providers, and the national ACLU LGBT Project.

This has positioned the ACLU to be uniquely equipped to take on these important cases and help shape Iowa's laws so that transgender people in our state can have all the rights and respectful treatment that other Iowans take for granted.

For more on these cases, go to www.aclu-ia.org.

Update: Taylor Complaint Successfully Settled

Meagan's case garnered national attention as an important reminder that transgender people are expressly protected by Iowa laws from discriminatory treatment.

The ACLU of Iowa and the national ACLU are pleased to report that we have successfully settled Meagan Taylor's case to the satisfaction of the parties involved.

"The ACLU of Iowa is so proud to have represented Meagan in this important case," said Rita Bettis, ACLU of Iowa legal director.

In November, we announced that Meagan filed a complaint with the Iowa Civil Rights Commission against the Drury Inn in West Des

Moines for discriminating against Taylor, a Black transgender woman based on her gender identity and race.

Meagan and her best friend, who is also Black and transgender, checked into the hotel while traveling from Illinois to Kansas City for a funeral.

Despite having reservations, the pair was harassed and felt unwelcomed. Before finalizing the check-in, the front desk clerk—at the request of the general manager—asked to make a copy of Meagan's ID even though they had already processed payment and checked her ID once. (Like many transgender people, Meagan has not been able to update the name and gender on her ID, so her identification listed her birth name and gender.)

After check-in, the Drury Inn staff called the police to report that they suspected Meagan and her friend were engaging in prostitution because they were "men dressed like women."

As a result of the Drury's discrimination against her, Meagan was arrested and charged with possessing her hormone pills without a copy of the prescription—charges that were eventually dismissed. There was no evidence of prostitution and she was never charged with it.

For Meagan, a stop at a Des Moines hotel on the way to a funeral landed her in jail because she is Black and she is transgender.



"This ordeal was humiliating, scary and traumatizing. I felt powerless and degraded. I realized I was not welcome in a public place simply because of who I am," Meagan said.

After arrest, she was held for eight days in Polk County Jail before being bonded out, missing the funeral.

She later filed a complaint with the civil rights commission. Under Iowa's civil rights law, race, sex, gender identity, and sexual orientation are among characteristics protected from discrimination by public accommodations. ■

Transgender Student Named Mannheimer Youth Award Winner

Cedar Falls student Ben Christiason didn't set out to be a pioneer in transgender rights and awareness, but he's become one.

The 18-year-old boy is the first openly transgender person to graduate from Cedar Falls High School. He is also the first out transgender boy at his school—and possibly in all of Iowa—to participate in boys' sports as a member of the cross-country team.

He has also become an educator on transgender issues for schools, faith groups, and educators both locally and throughout his part of the state. Because of his leading role in transgender equality, he has been named the winner of the ACLU of Iowa's 2016 Robert Mannheimer Youth Advocacy Award.

Coming Out in Ninth Grade

In ninth grade, Ben shared his story in front of both peers and congregants present for his Lutheran confirmation faith statement. More recently, he spoke to guidance counselors at his region's area education agency, talking about his own experience and the need to educate elementary and middle school students on transgender issues. He has also shared his story with pediatric nursing students at Allen College in Waterloo and was a guest speaker at a health course at his high school.

Ben knew from an early age that he was a boy. Starting in his freshman year, with the love and support of family and friends, Ben came out as transgender at school. In addition to using a male name and pronouns and wearing clothes that Ben associated with being a boy, he began to present and live his life as male, including hormone therapy and breast removal.

Ben has been the subject of hateful and offensive comments both to his face and in writing. But his personal faith as a Christian has been an important source of strength and courage.

"It's important to show the adults in the community that I am no different than the



Key to Ben's success has been his highly supportive family. Shown here is his father, Kyle, his younger brother, Lars, and his mother, Jennifer. Ben says his grandfather, a Lutheran minister (not shown), is his biggest supporter and has helped him maintain his faith through difficult times when he came out.

person they knew in Sunday school," Ben says, "I want others to know that I'm transgender, but that I'm also a Christian."

"Ben has held his head high even when his heart was sinking because a classmate had told him he was an abomination and going to hell," said his mother, Jennifer Christiason, who nominated him for the award. "He continued to stay active in our youth group and participated in numerous mission trips in spite of the hateful comments."

Being True to His Inner Self

Ben says that his experience of coming out and being able to live as a boy has quite literally been a lifesaver. When he was younger, "I felt like my life was going to be short...I felt like I wasn't going to be old ever." He felt at times like he didn't have a life to look forward to, one that was worth living.

Tragically, Ben's experience is not unique. Forty-one percent of transgender people attempt suicide at some point in their lifetimes.

"Now I no longer walk the halls with my head down. I smile at everyone I pass and keep my shoulders back. I have never been so comfortable in my body and this realization

has allowed me to begin to reach my full potential."

This fall, Ben will be a freshman at St. Olaf College in Minnesota. He wants to become a lawyer "to become a voice not just for transgender people but also LGBT minorities and other minorities as well." ■

Transgender Nurse Files Complaint

Continued from page 1

The DOC has required Jesse to use a unisex private restroom to dress and store his belongings, isolating him from all of his co-employees. Forcing an employee to use a separate space is isolating and sends the message that he is abnormal and "less-than" colleagues. Also, the unisex restroom doesn't have a shower.

The DOC has further discriminated against Jesse by denying him coverage for his medically necessary healthcare for no reason other than his being transgender. The same type of surgical procedures that Vroegh needs are covered for state employees who are not transgender. ■

Political Blogger Laura Belin Supports the ACLU

"The ACLU is willing to go to the mat on some unpopular issues. That's not always so easy."



The ACLU was on Laura Belin's radar early. She is the daughter of Des Moines philanthropists Connie and David Belin. Belin grew up in a home that valued free speech and advocated for a government that served everyone. Belin says she cultivated a love for politics "growing up with parents and siblings who discussed current events at the dinner table." After getting degrees related to Russian politics, history, and literature at Harvard and then Oxford, Belin covered Russian politics and media issues from 1995 to 2005. She traveled the globe, writing about politics as a Russian analyst for the Prague-

based Open Media Research Institute. She later wrote for Radio Free Europe/Radio Liberty. Blogging on Bleeding Heartland Fortunately, Iowa also is an interesting place to observe the political scene. In 2002, Belin moved back to the Des Moines area. Now she is living in her parents previous home, nestled into a beautiful wooded lot in Windsor Heights. It's an ideal location for raising her 10- and 13-year old sons while overseeing and actively writing for one of the Midwest's most popular and respected political blogs, Bleeding Heartland. The Washington Post named Bleeding Heartland one of the "best state-based political blogs" and named Belin a top Iowa political Tweeter. Politico put her on its list of "early state must-follows." Most recently, she has provided some of the best in-depth coverage of Iowa's voting rights struggles, including former Iowa Secretary of State's disastrous attempt to hunt down and intimidate immigrants

he suspected of registering or voting improperly. She also was a close follower of Kelli Jo Griffin v. Paul Pate, the case of the Iowa mom arrested for voting because she had a felony conviction in her background (see page 1). Passionate About Voting Rights Belin understands that it's crucial for those Iowans with felony convictions to once again participate in democracy—especially since as many as one in four African-Americans are not allowed to vote because of racial disparities in our criminal justice system and related voting laws. Allowing as many people as possible to participate in our democracy is important to her. Belin was among those attending oral arguments in the case at the Iowa Supreme Court and the subsequent loss brought tears to her eyes. The ACLU's work in voting rights and other areas is crucial, she says. "It's a voice for people who are not doing very well in our society." ■

Join us for the Bill of Rights Brunch on November 12



The Des Moines Botanical Garden will be the site of the Bill of Rights Brunch on Saturday, November 12. It will be a celebration of those who have contributed to civil liberties in Iowa throughout the year, as well as an opportunity to connect with other civil libertarians and ACLU supporters.

Help us celebrate another successful year of defending the Bill of Rights! Come enjoy brunch, mimosas, a bloody mary bar, and the beautifully renovated Greater Des Moines Botanical Garden starting at 10:30 a.m. on Saturday, November 12. Celebrate the year's legislative and legal wins and learn more about upcoming efforts. And we'll honor this year's recipients of the Louise Noun Award, the Edward S. Allen Award, the Robert Mannheimer Youth Advocacy Award (see page 5) and the Dan Johnston Cooperating Attorney Award. Make your reservation today and bring along some like-minded friends! ■

Bill of Rights Brunch

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☐ I/We look forward to attending the Bill of Rights Brunch! _____ attendees (\$50 early registration - \$60 after 10/31)

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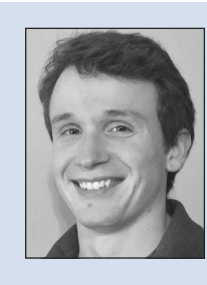
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To register online, please visit: www.aclu.org/secure/IA-BillofRightsBrunch-2016

For questions, please call the ACLU of Iowa at 515-243-3988 or email events@aclu-ia.org

Volunteer, Interns Contribute to Iowa Civil Liberties

Lucas Asbury Volunteer A native of Washington in southeast Iowa, Asbury received his undergraduate degree at the University of Iowa in political science, international relations, and Spanish. He then moved to Chicago, where he worked as a caseworker for undocumented immigrant youth and also attended Adler University to pursue his masters in public policy and administration with an emphasis in human rights advocacy. He volunteered over the summer with the ACLU as part of a capstone project to finish his degree. He plans to work to help shape policy that ensures immigrant populations are treated fairly and with dignity in Iowa. Since the ACLU is at the forefront of that struggle, it "was the logical choice for a capstone project for me."



Phil Brown Legal Intern A law student at New York University, Brown was born and raised in Emmetsburg. He graduated from Iowa State University with undergraduate degrees in political science and biology. He said he wanted to intern with the ACLU of Iowa "for the same reason I went to law school 1,200 miles from home: I want to help others to the best of my ability. Public interest law is my way of giving back to my community and standing up for others, and no group embodies those ideals better than the ACLU." Also, said Brown, after being so far away for several months, he welcomed some Iowa time. "Getting to come back to Iowa for the summer and work so close to my family and friends is pretty great!"



Tamsin Webb Communications Intern Webb, a native of Boone, graduated this spring from Simpson with a degree in public relations and German. But she sought an internship at the ACLU as the final part of her degree program. "Now that my studies are complete, I am looking forward to completing my internship as the final step in my graduation process. Then, I am hoping to find a job in the communications field that combines my passion for PR with my other interests such as language, music, politics or human rights," she says. "I chose to apply for this position at the ACLU because it does just that. It gives me the opportunity to use the skills I've learned at Simpson along with things that interest me inside and outside the professional world," Webb says.



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Contributions to the ACLU Foundation of Iowa, a 501(c)(3) organization, are tax-deductible to the extent of the current tax code.

ACLU of Iowa Board Launches Search for New Director

A transition team is in place and the hunt for a new executive director is now underway.

After Executive Director Jeremy Rosen announced his resignation in June, the ACLU of Iowa Board of Directors Executive Committee worked with staff to quickly come up with a transition plan. It was essential that we all create a new structure to keep the affiliate running smoothly and moving forward until a new executive director can be found.

Strong, Experienced Staff

We were fortunate to have a strong and experienced staff in place that has the capacity to continue the organization's success across all areas of the organization.

Legal Director Rita Bettis will take on the additional duties of Interim Director



Ed Broders

for Programming. She will continue to oversee the ACLU of Iowa's legal efforts. She will also provide overarching direction and management of all program areas, which include legal, legislative, advocacy and communications.

The ACLU of Iowa is also filling its legislative/policy position, and Bettis is overseeing that hiring process.

Sarah Conroy, development director, has been appointed Interim Administrative Director. In addition to continuing to lead our comprehensive fundraising program, she'll direct the organization's financial matters, including budgeting and day-to-day office operations.

Staff-Board Liaison Appointed

Board executive committee member Jill June is also taking on the role of staff liaison to assure close communications between the board and staff as we all take on these new roles.

No timeline has yet been set for the hiring of the new director, but we have already begun the process to initiate a national search.

We have hired an outside search firm to assist us in building the best pool of candidates possible. We'll continue the process until we find just the right person for this challenging, critical position for our organization.

Finding Just the Right Person

It won't be an easy task—it's a job that takes strength in a number of different areas. But we're optimistic that we'll find an excellent individual to fill this important leadership position in our organization.

I'm proud to say that the ACLU of Iowa is stronger today than it's ever been. It will afford an amazing opportunity for someone with the right skill sets and experience to make bold strides toward greater equality and freedom in our state.

Ed Broders

President

ACLU of Iowa Board of Directors

The ACLU of Iowa is proud to sponsor

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